UNITED STATES DISTRICT COURT
SOUHBRN DISTRICT OF NEW YORK
--X
STEVEN JUDE, WAYNE STEWART,
and LONNIE DIGGS, ET,AL

Plaintiff's

JURY TRADL DEMANDED

17CV1127

-against-

THE CITY OF NEW YORK,amunicipal Corp;
DEPARTMENT OF CORRECTIONS,("DOCS"),a
municipal Corp; JOSEPH PONTE,Commissioner
of the New York City Department of Correction;
MONICA WINDELY,Warden of North infirmary
Command, ("NIC"); CORIZON HEALTH, INC.;
Dr. JAY COWAN,Regioal Midecial Director;
LUIS CINTRON,Deputy Medical Director; NEIL
LEIBOWITZ,MD., Director Of Mental health;
MARILYN SILVA, RN. Regional Assistant Director
of Nursing; ZABHARY ROSNER, Assistant
Director of Health Affairs; NIN EDWARDS,
("DOC") Disability Rights Coordinator.

Defendants.
--X

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I. COMPLAINT

Plaints,STEVEN JUDE,WAYNE STEWART,and LONNIE DIGGS,pro-se for##
Their complaint States as follows:

II. Parties,Jurisdiction and Venue

1. Allof the above Plaintiff's was confined at the North Infirmary Comman,(hereinafter referred to as ("NIC"),la municipal City Jail located on Riker island,1500 Hazen Street,east Elmhurst,NY 11370 in the City of New York.

2. All Plaintiffs in the above captioned case is, and was at all times mentioned herein disabled adult citisens of the United States as well as residents of the State of New York.

3. Defendant CITY OF NEW YORK, was and is a municpal Corporation duly organized and existing under and by virtue of the laws of the State of New York.

4. Defendant DEPARTMENT OF CORRECTIONS (hereinafter referred to as "DOCS") was at all relevant times herein a duly authorized public authority and /or correction department, authorized to perform all functions of a correction department as per the applicable sections of the aforementioned municipal corporation, CITY OF NEW YORK.

5. Defendant JOESPH PONTE was at all relevant times herein the Commissioner of the New York City Department of Correctional Services for the CITY OF NEW YORK, with the responsibility for operating and maintaining detention, penal, and corrective institutions within the CITY OF NEW YORK, including the North Infirmary Command, ("NIC").

6. Defendant MONICA WINDELY is and was at all relevant times herein the warden of the municipal detention center known as North Infirmary Command, ("NIC") for the CITY OF NEW YORK, as warden of the prison, Defendant manages its day-to-day operations and executes its policies.

7. Defendant CORIZON HEALTH, INC. is and was at all relevant times herein engaged in proving medical services for the CITY OF NEW YORK in the CITY'S DOC detention facilities, including the North Infirmary Command, ("NIC") under a contract with the CITY OF NEW YORK. CORIZON HEALTH, INC. acted in the capacity of agaent, servent, and employee of the CITY OF NEW YORK, and is sued in its individual and official capacity.

8. Defendant JAY COWAN is and was at all relevant times herein an employee of CORIZON HEALTH, INC. with the responsibility as the Regional Medical Director and acted as an agent of CORIZON HEALTH, INC. and the CITY to provide medcial services in the CITY'S detention facilities.

9. Defendant LUIS CINTRON is and was at all relevant times herein an employee of CORIZON HEALTH, INC. with the responsibility as the Deputy Medical Director and acted as an agent of CORIZON HEALTH, INC. and the CITY to provide medcial services in the CITY'S detention facilities.

10. Defendant NEIL LEIBOWITZ MD, is and was at all relevant times herein an employee of CORIZON HEALTH, INC with the responsibility as the Director of Mental Health and acted as an agent of CORIZON HEALTH, INC. and the CITY to provide medcial services in the CITY'S detention facilities.

11. Defendant MARILYN SILVA, RN, CCHP is and was at all relevant times herein an employee of CORIZON HEALTH, INC. with the responsibility as the regional Asst. director of nursing and acted as an agent of CORIZON HEALTH, INC. and the CITY to provide medical services in the CITY'S detention facilities.

12. Defendant ZACHARY ROSNER is and was at all relevant times herein an employee of CORIZON HEALTH, INC. with the responsibility as the Asst. Director of health Affairs, and acted as an agent of CORIZON HEALTH, INC. and the CITY to provide medical services in the CITY'S detention facilities.

13. Defendant NINA EDWARDS is and was at all relevant times herein the disability rights coordinator allededly of the municipal DEPARTMENT OF CORRECTION, ("DOC") designated with the responsibility to coordinate DOC'S EFFORTS TO COMPLY WITH DOC'S obligations under the American with Disability Act, ("ADA") with respect to DOCS inmates in accordance with 28 C.F.R. 35.107.

14. This action arises under and is brought pursuant to 42 U.S.C. section 1983, 42 U.S.C. 12131, 28 C.F.R 35.107 Title II of the ADA section 504, and Rehabilitation Act of 1973 to remedy the deprivation, under color of state law, of rights guaranteed by the Eighth, Sixth, Fourteenth and First Amendments to the United States Constitution. This court has jurisdiction over this action pursuant to 28 U.S.C. sections 1331 and 1343.

15 Plaintiff's claims for injunctive relief are authorized by Rule 65 of the Federal Rules of Civil Procedure.

16. Plaintiff's seek injunctive relief on behalf of the class and seek dmages on behalf of the individually named plaintiffs.

17. This cause of action arose in the Southern District of New York, therefore venue is proper under 28 U.S.C. section 1391(b).

III.. Statement of Claim

18. At all relevant times herein, defendants were "persons" for the purposes of 42 U.S.C. Section 504, and Rehabilitation Act of America and acted under color of law to deprive plaintiffs of their constitutional rights as set forth more fully below.

IV. Statement of facts

19. Historically the CITY and DOCS have showed deliberate indifference and negligence towards the disabled inmates being confined in its detention facilities, and have not follow mandates of the law or the American with disability Act, nor Rehabilitation Act of 1973. WHEREAS, the United States of of Amercia had to bring a civil action against the New York City Department of Correction to enforce a voluntary compliance of the public entity, and several other class action law suits brought over the years against the CITY for violations of the ADA and individual inmate rights, see Bennett v. City 07-CV-2823, (RPP) settlement agreement.

20. Prison health Services, (PHS) which merged with CORIZON HEALTH, INC their servants, agents, affiliated physicians, assistants, residents, interns, aides, employees and/or medical personnell at the North Infirmary Command, ("NIC") have showed deliberate indifernce and negligence towards disabled inmates in its custody in such a manner as to manifest a disregard for safety and well-being of the plaintiffs herein, and not in accordance with the good and accepted standards of medical care and practice. thereby causing several plaintiffs to sustain unnecessary injuries pain and suffering, and permiting plaintiffs conditions to worsen and deteriorate.

21. In general defendants showed deliberate indiffernce to medical needs and reasobale accommodations of disabled prisoners being held in its custody, and particulary neglected those of all of the plaintiffs in this action in one spect or another.

22. Disabled inmates with severe medical problems, amputations, drop foots and other ailments are being subjected to cruel and harsh treatment by DOCS personnell, whom are not trained to deal with disabled inmates and forced to give up their personal supportive footwear

with cushioning in violation of DOCS own policy and procedures for non supportive DOCS footwear without cushioning, which has been known to be defective, cheap and unsupportive and not even suitable for non disabled inmates, which causes injuries, pain and suffering. Disabled inmates are beign forced to undergo unnecesay and expensive evaulations and hospital trips to Bellueve to acquire a standard strap sneaker named "APEX" which allegedly is being issued under the pretense that its an orthopedic sneaker, startlingly its just a double width sneaker with two straps.

23. There is no reasonable accommodations being afforded to DOCS disabled inmates by DOCS or CORIZON HEALTH, INC. employees no matter how many complaints, grievances or lawsuits are submitted, and the policy makers have repeatedly failed to take action, or even follow lawsuit settlement agreements, policies and procedures which is a result of a failure to train, supervise or discipline staff and deficient management.

24. There is no fire exit in the NIC law library which is safe and accessible for disabled inmates in wheelchairs and it does not comply with the ADA, which was part of a stipulation and settlement agreement in the Bennett V. City Class action. 07-CV-2823 (RPP).

25. There is no Wheelchair foodtrays being offered or available to wheelchair bound inmates during meal time as per the Bennett v. City settlement agreement. see 07-CV-2823 (RPP).

26. DOCS has failed to comply with the settlement agreement of the Bennett v. City 07-CV-2823, class action in improving accessibility in Dorm#3 Bathroom, wheras only one wheelchair bound inmate is able to go and come to the bathroom at a time which causes conflicts and congestions, and causes inmates to urinate on themselves.

27. DOCS has failed to train any of its employees or staff on ADA issues, or reasonable accommodations or how to deal with disabled inmates in general which subjects them to cruel and unusal punishment pain and suffering.

28. DOCS is not ensuring that Dorm# 3 which houses disabled inmates is cleaned and sanitized on a daily basis leaving disabled inmates whom are legally blind and wheelchair bound to clean the bathroom, living quarters and shower area, when there is civilian institutional aids paid $18.00 Dollars an hour to service the Dorm at NIC.

29. DOCS has failed to comply with the settlement agreement of the Bennett class 07-CV-2823 to obtain (12) medical beds with safety bars in Dorm #3, there is currently (9) beds and was just previously (3) for a couple of years, when several disabled inmates in Dorm#3 are in dire need of medical beds.

30. The grievance procedure is inadequate, there is NO hearings being held for grievances, and the Grievance coordinator is failing to handle the processing of the Grievances in accordance to policy and procedure, there is no responses to grievances or appeals and the grievances of disabled inmates are not being forwarded to the ADA coordinator in accordance to law and policy and procedure. 28 C.F.R 35.107(b);

31. DOCS has not designated a responsible employee to coordinate DOCS efforts to comply with DOCS obligations under the ADA with respect to DOCS inmates in accordance to the Settlement agreement between the United States of Ameurica and the New York City Department of Correction and 28 C.F.R 35,107.

32. DOCS employees took down all signs posted in the ADA Dorm #3 of any previous settlement agreements, grievance procedures and postings relating to disable inmates rights or whom to complain too, and stated in sum and substance that Dorm#3 is no longer a ADA Dorm.

33. Disabled inmates whom are in pain and suffering have no access to medical Doctors on the weekends or after 3:00pm. and have to go to another housing area to receive medical treatment and supplies, which causes urine infections, kidney infections, bed sores and unfettered progression of the disabled inmates condition, in allowing and permitting the disabled inmates condition to worsen and deteriorate.

34. CORIZON HEALTH, INC. are agents and employees of the CITY OF NEW YORK and/or DEPARTMENT OF CORRECTION, including correction officers nurses, doctors, and other medical personnel, negligently cared for and showed deliberate indifference to the plaintiffs who are disabled being held in it's detention facilities.

35. The disability Dorm which houses disabled inmates has failed to be maintained in a good and safe condition or leak free, and has not been structurally sound and still requires repair or replacement, and constantly leaks in the living quarters of disabled inmates when it rains or the snow melts, whereupon buckets have to be placed throughout the living quarters of the dorm and creates an hazardous, dangerous conditions.

36. The mail processing system at the prison is extremely inadequate in delivering of inmates mail, mail is frequently lost or misplaced and not delivered or picked up on time and DOCS is not following it's own policy and procedure of advancing indigent prisoners postage to pay for certified mail return receipt for legal mail when it's an court requirement, therefore denying inmates access to the courts.

37. There is no visual aids or reasonable accommodations being provided to legally blind inmates, such as magnifying glass or sheets, shades for photo-sensitive eye, talking watches, personal supportive footwear, escorts, assistants to help blind inmates in reading, and going to and from areas.

38. DOCS has failed to implment and follow procedures for legally blind inmates eligible for Federal postage benefits-as described in the United States Postal Service publication 347: Free Matter for the Blind and Visually handicapped Person- are able to take advantage of such beeefits while in DOCS custody. DOCS failed to ensure that its employees are trained about the procedures or are properly disciplined for non-compliance with the procedures.

39. DOCS has failed to ensure that routine cleaning practices and protocols are carried out and enforced, those protocols require among other things, that an exterminator service Dorm #3 at least one time per week and take all necessay measures, consistent with inmates health and safety, to eliminate vermin and insect infestation, which there is an insect infestation of spiders.

40. DOCS has failed to employ non-disabled inmates to assist disabled inmates in Dorm #3 with their daily living needs, DOCS was required to provide no fewer than two (2) Inmate Assistants to be on duty at any one time between the hours 7:00a.m. to 11:00 p.m., and shall provide no fewer than one (1) Inmate to be on duty between the hours of 11:00p.m to 7:00 a.m., however there is days when no inmate assistance is even available and if their is it's only one when additional assistants where needed, but DOCS staff are utilizing the inmate assistant's to do other job titles like work the messhall for DOCS instead of being sent to Dorm#3 to work and assist disabled inmates as per policy and procedure and previous settlement agreement, and creates unsafe conditions for disable dinmates whom need assistance.

41. CORIZON HEALTH, INC, their servants, agents, affiliated physicians, physician assistants, residents, interns, nurses, aides, employees and/or medical personnel at the North Infirmary Command, ("NIC") has failed to adeqautely care for its disable dinmates in its care, and have showed deliberate indifference to their serious medical needs, in such a manner as to manifest and evidence for disregard for the safety and well-being of others, including the plaintiffs herein, and not in accordance with the good and accepted standards of medical care and practice, thereby causing plaintiffs, to sustain severe injuries .

42. The Federal Funding allocated to the CITY and DEPARTMENT OF CORRECTION for disabled inmates under the ADA is being diverted, circumvented, misappropriated, and not spent on equipment, supplies, or reasonable accommodations for the inmates held in its facilities.

43. The Disability Rights Coordinator has failed to ensure that procedures for the prompt and equitable resolution of ADA complaints by inmates and/or requests by inmates with disabilities for reasonable accommodations are in place, publicized, and implemented, by process, investigating, and promptly acting upon inmates complaints and/or for reasonable accommodations, and ensure that all DOC staff who interact with inmates with disabilities are provided with adequate and appropriate information and training on ADA issues.

44. The Disability Rights Coordinator has failed to ensure that inmates with disabilities are housed in facilities that accommodate their disabilities, and that all applicable DOC facilities and programs are ADA compliant.

45. The ADA Coordinator has yet to visit the North Infirmary Command to speak with inmates with disabilities or assist them with any complaints about their living conditions, treatment or train any DOCS employees about the Disability rights of inmates or DOCS procedures concerning ADA compliance and has falsified documents pertaining to the reasonable accommodations in place for inmates with disabilities which there is nothing even posted publicizing the Disability coordinators address, office address or telephone number.

46. Inmates with disabilities have been discriminated against by the NEW YORK CITY DEPARTMENT OF CORRECTIONS and the CITY OF NEW YORK. Which it is pattern and practice of officially sanctioned behavior.

47. The DEPARTMENT OF CORRECTIONS and CORIZON HEALTH, INC. have failed to inform and train staff on policies designed to avoid deprivations of constiutional rights of disabled inmates, and failed to supervise staff to ensure that they follow policies and procedures.

Claims for Relief

48. That by reason of the foregoing, the plaintiffs STEVEN JUDE, EUGENE RANDOLPH, JAMES CALANTUONO, ERIC HOLMES, WAYNE STEWART, QUINDELL HILL, MICHAEL BUSH, MICHAIL SORODSKY, LONNIE DIGGS, LUIS CINTRON, JETHRO CHAPELLE, JASON ENOE, and JOSE MORALES, was severly injured and damaged, rendered sick, sore, lame and discriminated against as disabled individuals, sustained severe nervous shock and mental anguish, great physical pain and emotional upset, some of which injuries are permanent in nature and duration, and plaintiff will be permanently caused to suffer pain, inconvenience and other efects of such injuries; plaintiff's incurred and in the future will necessarily incur further hospital and/or medical expenses in an effort to be cured of said injuries; and plaintiffs has suffered violations of their rights Under the American with Disabilties Act of America and Title II of the ADA section 504; plaintiffs will be unable to pursue the usual duties with the same degree of efficiency as prior to the deliberate indifference and negligence, discrimination, and malpractice of the CITY, DEPARTMENT OF CORRECTIONS and CORIZON HEALTH, INC, all to plaintiff's great damage.

Relief Requested

WHEREFORE, plaintiffs request that this court grant the following relief:

49. Plaintiff's request an order declaring that the defendants have acted in violation of the American with Disabilties Act of America Title II section 504, and violated the United States Constitution and State laws.

50. Plaintiffs seek injunctive relief on behalf of the class and seek damages on behalf of the individually named plaintiffs..

Signed this 5th day of May 2015

Steven Jude
STEVEN JUDE

I declare under penalty of perjury that the foregoing is true and correct.

Michael Bush

Wayne Stewart 3491410537

2101500374

Quindell Hill 441-14-01724

Pedro Morales 3491502098

Michael Sorodsky

Jason Enoe

Lonnie Diggs 4411311852

Jose Morales

Luis Cintron 441-15-00653

Eugene Randolph 3491314460

James Calantuono

Lawrence Watson 8951401257

Steven Jude 310-17-00154
Brooklyn Detention Center
275 Atlantic avenue
Brooklyn NY 11201

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